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EXAMINER

STEELMAN, MARY J

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/472,290	PATEL ET AL.
	Examiner	Art Unit
	Mary J. Steelman	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 December 1999.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 December 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. Claims 1 – 16 are pending.

### ***Specification***

2. The drawings are objected to as failing to comply with 37 CFR 1.84 (p5) because they do not include the following references sign(s) mentioned in the description: Page 5, lines 8, 10, and 20 and page 7, line 32: Apparatus 300, as listed in the Specification, is not identified in the drawings. A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84 (p5) because they do not include the following references sign(s) mentioned in the description: Page 5, lines 17, 18, and 20 and page 7, line 32: Method 500, as listed in the Specification, is not identified in the drawings. A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

**Regarding claims 1, 5, and 14:**

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 5, 6, 8, 14 and 16 are rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent 6,178,225 to Zur et al.

**Regarding claim 5, Zur teaches:**

A method for remotely monitoring a picture archiving communication system (Zur, col. 4, line 38 and fig. 1)...comprising:

-establishing an Internet connection with a server. (Zur, col. 2, lines 50-51, "...communicate with the service center via an Internet communication technology...")

-directing the server to retrieve data from at least one file from at least one of a plurality of PACS workstations in communication with the server. (Zur, fig. 3 and col. 1, lines 59-61, "...the method for management of X-ray imaging...includes an archiving step wherein a generated...image is retrievably stored...")

-retrieving the data from the at least one file. (Zur, col. 5, lines 61-62, "...images are forwarded to an archive for storage and subsequent retrieval...")

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-transmitting the data to a remote terminal. (Zur, col. 1, lines 63-64, "...archiving step includes transferring the generated digital image to a remote archive.")

**Regarding claim 6, Zur teaches:**

- extracting the at least one file for analysis at the remote terminal. (Zur, col. 4, lines 34-37, "After the technologist has viewed the image (file), the image may be exported from operating and viewing station and stored at a local archive where it is retrieved (extracting) for diagnostics.")

**Regarding claim 8, Zur teaches:**

-extracting at least one image file. (Zur, col. 4, lines 34-37, "After the technologist has viewed the image (image file), the image may be exported from operating and viewing station and stored at a local archive where it is retrieved (extracting) for diagnostics.")

**-Regarding claim 14, Zur teaches:**

-a remote first terminal in communication with a web-based server via an Internet connection, said remote first terminal comprising a remote signal. (Zur, fig. 1. & 3, col. 2, lines 47-55; "...metering system (first terminal, SYS-1) is operative to communicate with the service center (web-based server) via a communications network...Internet...by electronic polling (remote signal.)

-a plurality of PACS workstations connected to said web-based server. (Zur, figs. 1 & 3, SYS1-N, col. 3, line 27, "...at least one digital X-ray imaging facility (10)." Also col. 4, lines 53-54, "...imaging facility has internet connectivity...via a network connection.")

-server comprising a data retriever for retrieving data from at least one of said plurality of PACS workstations responsive to said remote signal. (Zur, col. 5, lines 61-62, "...images are

forwarded to an archive for storage and subsequent retrieval...” and col. 6, lines 43-45, “service center (server) may electronically poll individual...imaging facilities to...update...statistics.”)

**Regarding claim 16, Zur teaches:**

-data retriever for retrieving image files from at least one of said plurality of PACS workstations responsive to said remote signal. (Zur, col. 4, lines 34-37, “After the technologist has viewed the image (image file), the image may be exported from operating and viewing station and stored at a local archive where it is retrieved (extracting) for diagnostics.”)

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,178,225 to Zur et al, in view of U. S. Patent 6,094,531 to Allison et al.

Zur teaches a system for management of multiple imaging services within a networked system (Zur, Fig. 1) which could be part of a (Zur, col. 4, line 38) Picture Archiving and Communication System (PACS). The imaging facility has (Zur, col. 4, lines 53-54) “internet connectivity...via a network connection.” where signals are communicated between the service center (server) and the metering systems, SYS1-N, (clients). Zur does not teach a method to simultaneously install software to a plurality of PACS workstations. However, Allison does teach a method for automatic simultaneous installation on a plurality of machines (terminal /

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workstations / clients). (Allison, fig. 1 and col. 4, lines 43-48) "The installer (1) of the present invention is capable of configuring several machines (3) and installing operating systems (software) on them...simultaneously...over network...Internet." The server is directed to install: (Allison, col. 11, line 45), "When the installer (1) receives a request from a dispatcher (17) to install..." and the (Allison, col. 11, lines 61-65) "...installer (1) calls the installation script...The script then causes the OS to be installed on the selected test machine..." Besides installing operating systems, other software may be installed (updates), (col. 12, line 32) "...the launcher (18) installs the test software..."

It would have been obvious, to one skilled in the art, at the time of the invention, to modify the networked Picture Archiving Communication System units as taught by Zur, by permitting the networked system to allow for simultaneous installations of software to the PACS workstations, as taught by Allison, because PACS is a cost effective solution to image processing, PACS is already networked, and (Allison, col. 1, lines 14-41) disclosed methods that make it suitable for simultaneous installation on a plurality of networked computers (workstations/ terminals) while minimizing human intervention and the likelihood of errors.

**Regarding claim 1, Zur in view of Allison teaches:**

- establishing an Internet connection with a server. (Zur, fig. 1 and col. 2, line 51.)
- directing the server to simultaneously install software to a plurality of PACS workstations in communication with the server. (Allison, col. 4, lines 43-46.)
- simultaneously installing software to the plurality of PACS workstations. (Allison, col. 4, lines 43-46.)

**Regarding claim 2, Zur in view of Allison teaches:**

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-instructing the server to install at least one software update to the plurality of workstations.

(Allison, col. 12, lines 32-34, "...the launcher (18) installs the test software, configures the environment...and starts the test software.")

**Regarding claim 3, Zur in view of Allison teaches:**

-logging on to a web server and authenticating a user. (Allison, col. 8, lines 8-9, "components...and the users...communicate via the Internet." Also col. 11, lines 33-36, "...each installer contains a list of the dispatchers with which it can communicate. Each installer will also contain a list of the test machines which it is allowed to configure and/or install.")

**Regarding claim 4, Zur in view of Allison teaches:**

-sending an indication message to the remote terminal to indicate whether the software installation was successful. (Allison, col. 4, lines 12 – 15, "When the launcher program is installed, the launcher program will notify all of the dispatcher machines with which it is allowed to communicate that the test machine is on the system.")

**Regarding claim 11, Zur in view of Allison teaches:**

- a remote first terminal in communication with a web-based server via an Internet connection, said remote first terminal comprising a remote signal. (Zur, fig. 1 & col. Col. 4, lines 25-26, "...image is captured and transferred...(signal is sent by remote terminal)")

-a plurality of PACS workstations connected to said web-based server. (Zur, fig. 1, #SYS-1-N, & col. 4, lines 37-38, "...may be part of a Picture Archiving and Communication System...")

-web-based server comprising an installer for simultaneously installing software to said plurality of PACS workstations responsive to said remote signal. (Zur teaches a networked PACS

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apparatus, but fails to disclose simultaneous installation of software. Allison (Allison, col. 4, lines 43-46) teaches simultaneous installation.)

**Regarding claim 12, Zur in view of Allison teaches:**

-first workstation comprises the remote signal for instructing said web-based server to install software to said plurality of second workstations. (Allison, col. 4, lines 43-46, "... capable of...installing...simultaneously." And figs. 1 & 2, and col. 5, lines 25-26, "...when a request to install (signal)...is received by the installer (web-based server) ...")

**Regarding claim 13, Zur in view of Allison teaches:**

-an installer for simultaneously installing software updates for pre-existing software to said plurality of PACS workstations. (Zur teaches networked PACS apparatus. Zur fails to teach simultaneous installation. Allison teaches simultaneous installation and installs operating systems (software updates) according to test requirements. (Allison, col. 11, lines 45 – 67, "...the installer receives a request from a dispatcher to configure or install an OS on a test machine, the installer will send commands over the Internet...the command is received by the test machine...installer and the test machine will communicate back and forth...The script then causes the OS to be installed on the selected test machine...")

9. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent 6,178,225 to Zur et al, in view of U. S. Patent 5,881,236 to Dickey.

Zur teaches a system for monitoring imaging services within a networked system (Zur, fig. 1) which could be part of a (Zur, col. 4, line 38) Picture Archiving and Communication System (PACS). The imaging facility has (Zur, col. 4, lines 53-54) "internet connectivity...via a

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network connection.” Zur does not teach extracting a log file for analysis at the remote terminal. However, Dickey teaches a method of remotely installing software over a network that uses a log file. (Dickey, col. 6, lines 10-14, “The log file shows the commands sent to the remote computer system and the information sent back by the remote computer system . . . helps in troubleshooting . . . and also supplies a record of the activity.”)

Therefore, it would have been obvious, to one skilled in the art, at the time of the invention, to modify the networked Picture Archiving Communication System as taught by Zur, to include a log file, as taught by Dickey, because a networked system often has many client systems. Efficient installations can be accomplished over the Internet, and a log file of transactions permits the server (or administrator) to monitor or correct error conditions remotely.

**Regarding claim 7, Zur in view of Dickey:**

-extracting at least one log file. (Dickey, col. 4, line 14 and col. 6, lines 9-14 and fig. 9, #922.)

**Regarding claim 15, Zur in view of Dickey:**

-data retriever for retrieving log files from at least one of said plurality of PACS workstations responsive to said remote signal. (Dickey, col. 4, line 14 and col. 6, lines 9-14 and fig. 9, #922.)

10. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent 6,178,225 to Zur et al, in view of U. S. Patent 6,192,518 to Neal.

Zur teaches a system for monitoring imaging services within a networked system (Zur, Fig. 1) which could be part of a (Zur, col. 4, line 38) Picture Archiving and Communication System (PACS). The imaging facility has (Zur, col. 4, lines 53-54) “internet connectivity . . . via a network connection.” Zur does not teach directing a search of files for a predetermined message

or for an error indicator. However, Neal teaches a method of installing software over a network where files are searched for a text message (Neal, col. 5, lines 9-13.) and where there is a search for an error indicator in the plurality of workstations (Neal, col. 7, lines 28-38).

Therefore, it would have been obvious, to one skilled in the art, at the time of the invention, to modify the networked Picture Archiving Communication System as taught by Zur, by including a step to direct a search of files for a predetermined message or search files for an error indicator, as taught by Neal, because controlling software installation over a network (Neal, col. 1, lines 20-37) reduces downtime for remote units and increases productivity while allowing for access to software updates.

**Regarding claim 9, as disclosed by Zur in view of Neal:**

-directing a search of files for a predetermined message in at least one of the plurality of workstations. (Col. 5, lines 11-13, "...the invention searches for messages that contain the "MBA 2.0" subject text...")

**Regarding claim 10, as disclosed by Zur in view of Neal:**

-directing a search of files for an error indicator in at least one of the plurality of workstations. (Col. 6, lines 12-15, "If file images are required to complete the software application installation, the agent sends an e-mail message back to the source computer...")

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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U.S. Pat. No. 6,226,784 to Holmes et al., (Monitoring software system and delivery schedule for distribution of software.)

U.S. Pat. No. 6,223,345 to Jones et al., (Client package build engine.)

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (703) 305-4564. The examiner can normally be reached Monday through Thursday and alternate Fridays, from 7:15 A.M. to 4:45 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308-4789.

The fax phone numbers are (703) 746-7240 for regular communications and (703) 746-7239 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MS



08/23/2002



ANIL KHATRI  
PRIMARY EXAMINER